

REMARKS

Claims 1-30 are pending. Applicants amend claims 1-3, 14, 15, 20, 21 and 24 and cancel claims 4-5, 23 and 26. Please consider the following remarks responsive to the Office Action mailed October 22, 2007, prior to continued examination.

Rejection of Claim 2 under Section 112 Second Paragraph

Claim 2 stands rejected under 35 U.S.C. 112 second paragraph as being indefinite. Applicants submit that the amendment to claim 2 overcome this rejection and request that the rejection be withdrawn.

Rejections under Section 102

Claims 1, 14, 15 and 24-28 stand rejected under 35 U.S.C. 102(e) as being anticipated by Billarant, U.S. Pat. Publication No. 2004/0128804 ("Billarant").

Billarant discloses, at most, a fastener product with a magnetic strip and in which a base extends beyond an array of hooks to form side portions equal in thickness to the base.

In contrast, applicants amended claim 1 recites a touch fastener product comprising "a resin base . . . carrying a plurality of resin fastener elements with stems integrally molded with and extending in an array from the lower face between side edges of the base. . . ; and a film extending across the upper face of the base and laterally beyond the side edges of the base to form lateral selvages of a significantly lesser stiffness and thickness than the base."

Because Billarant discloses but a single thickness base and does not disclose a film, let alone a film of significantly lesser stiffness or thickness extending beyond the base, Billarant does not anticipate each and every limitation of claim 1.

Thus, Applicants respectfully request withdrawal of the rejection of claims 1 and its various dependent claims under Section 102.

Rejections under Section 103 (a)

Claims 2, 16-23, 29 and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Billarant. Claims 3-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Billarant alone or in view of Hatch, U.S. Pat. No. 4,726,975 ("Hatch"). Applicants respectfully disagree with the rejections of the various claims. Nonetheless, to expedite prosecution, Applicants amend claim 1 to clarify that the selvages comprise a thin film extending beyond the fastener base.

Billarant discloses, at most, a fastener product with a magnetic strip and in which a base extends beyond an array of hooks to form side portions equal in thickness to the base. Hatch is cited as disclosing attachment of the fastener elements using hot melt adhesive and for the proposition that such products can be made from separate pieces. The backing strip of Hatch is not a film but a "backing strip 36 having an outer surface 38 adapted to mate with the foam material during the molding process [with] fabric loops 40, hooks, or the like; that is, any surface which will be surrounded by the foam-forming liquid 24 and end up embedded." (Col. 2, lines 47-54). Thus, the backing strip of Hatch is clearly not disclosed as being a film. Hatch discloses use of a film merely to cover a portion of the open ends of the hook elements with the film attached at one edge to the underside of the backing strip.

The Examiner asserts that the recited selvedge structure and properties of the dependent claims are merely design choices that may be adjusted by one of skill in the art. Applicants disagree that all of the specific features noted in these claims are simple or obvious design choices, particularly given the significant difference in the operation of the claimed film component, and the way in which it performs its sealing and bonding functions, in comparison with those of the prior art. However, Applicants submit that such issues need not be addressed for patentability of the dependent claims, as the independent claims embody a non-obvious advance in the art, toward which the one of mere ordinary skill in this art would not have been led by the prior art.

That Applicants have conceived of such a film selvedge structure and the attendant utility of its use may not be used against the inventiveness of their claims. The cited references do not

suggest a fastener with thin film selvages, referring instead only to extensions of the base or foam backing layers adhered to the base.

As discussed in previous replies, Applicants have discovered that use of a thin flexible film as a selvedge allows the selvages to more readily conform to the mold trench, allowing the fastener strip to be used in increasingly contoured molds without sacrificing sealing, while obtaining a good continuous bond with the foaming resin. Thus, use of the claimed thin flexible film selvages provides advantages of greater flexibility in mold designs and improved sealing in existing designs.

Additionally, Applicants discovered that use of a film to form selvages and to cover the upper face of the base can result in improved flow of foam across the upper surface of the fastener during the foam bun molding process. Porous backings and selvages (such as those formed from foam) can produce voids at the foam-fastener interface caused by expansion of the air trapped in the open pores of a foam backing during the exothermic molding process. Applicants discovered that these voids could be eliminated by using a film as the bonding surface. Applicant's invention, therefore, is counter to the generally held belief, evidenced also by the Hatch reference, that the way to obtain strong bonds with the foaming resin is to embed projecting features in the resin, or to allow the resin to flow into large open voids in the backing to make a mechanical bond. Hatch's approach of providing attachment loops that embed in the foam during the molding process to secure the fastener strip in place precisely illustrates such conventional wisdom.

Substitution of a thin flexible film for a open cell foam selvages and upper surfaces is not an insubstantial change, especially in light of the prior art. The structures of prior compressible foam attachment layers and the claimed films are distinct and the attendant benefits provided by films as discovered and claimed by Applicants would not have been considered by practitioners who traditionally thought foam superior for attachment and sealing. One of ordinary skill in the art, in possession of the cited references, would not be motivated to move away from this conventional use of compressible porous foam as an absorptive attachment layer with gasket-type sealing, and towards a thin film sealing selvedge and film cover. This is

particularly so since the significantly reduced thickness of the film relative to the prior foam layers would likely be perceived by those in the art to provide less resin absorption capacity and attachment capability due to lack of open cell pores and to omit the traditional sealing mechanism, i.e., compression of the selvedge.

None of the cited references suggest a touch fastener product comprising "a resin base . . . carrying a plurality of resin fastener elements with stems integrally molded with and extending in an array from the lower face between side edges of the base, . . . ; and a film extending across the upper face of the base and laterally beyond the side edges of the base to form lateral selvedges of a significantly lesser stiffness and thickness than the base," as recited in claim 1.

Without such a teaching or suggestion, the cited references fail to support a *prima facie* case of obviousness. Because none of the cited references disclose use of a film as a selvedge or as a cover extending across the upper face of the base, none of the references disclose each and every element of claim 1, and dependent claims 2-30, which depend therefrom. Applicants respectfully request that all of the obviousness rejections be reconsidered in light of the above remarks.


CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance as variously incorporating the allowable subject matter of claim 1. Accordingly, Applicants respectfully request reconsideration and allowance of all pending claims. Applicants have attempted to address each of the issues previously raised by the examiner, and would welcome an interview if that would help further prosecution of the subject Application.

Applicants requests a two-month extension of time. All fees are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 05918-361001.

Respectfully submitted,

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